

JP:RTP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M11-1166

- - - - -X

UNITED STATES OF AMERICA

- against -

RAFAEL BONE,

PRE-ARRAIGNMENT

C O M P L A I N T

(21 U.S.C. §§ 952(a)
and 960)

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

FREDDY GOMEZ, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about November 28, 2011, within the Eastern District of New York and elsewhere, the defendant RAFAEL BONE did knowingly, intentionally and unlawfully import into the United States from a place outside thereof heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. On November 28, 2011, the defendant RAFAEL BONE arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard Aerogal flight no. 700 from Guayaquil, Ecuador.

2. During an enforcement examination, a Customs and Border Protection Officer noticed that the defendant RAFAEL BONE was avoiding eye contact and was fidgety. A pat-down was negative. The defendant continued to appear nervous. The defendant was presented with an x-ray consent form, which was read to him in Spanish, and which the defendant stated he understood and signed.

3. The officer noted that the defendant RAFAEL BONE, a citizen of Ecuador and permanent U.S. resident, had left the U.S. on a cash ticket that he had purchased just two days prior to leaving. The officer also noted that once in Ecuador, the defendant purchased a ticket to return to the U.S. two days later, but that the defendant had made several cancellations to that ticket. On November 24, 2011, the defendant purchased a one-way ticket to return to the U.S. on November 28, 2011.

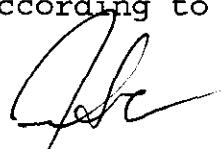
4. Officers continued to question the defendant RAFAEL BONE about his trip. The defendant told officers that he went to Ecuador to see his daughter compete in a graffiti contest, that he stayed with his wife and children the entire time that he was in Ecuador, and that his wife took him to the

airport. Officers contacted the defendant's wife in Ecuador. She informed officers that there was no graffiti contest, that she did not know where the defendant stayed while in Ecuador, and that she had not seen him in three days.

5. The defendant RAFAEL BONE was transported to the medical facility at JFK, where an x-ray was taken of the defendant's intestinal tract, which was positive for foreign bodies. On November 29, 2011, at approximately 7:50 AM, the defendant passed 7 pellets, one of which field-tested positive for the presence of heroin. The defendant was then placed under arrest.

6. The defendant RAFAEL BONE will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that the defendant RAFAEL BONE be dealt with according to law.



FREDDY GOMEZ
Special Agent
HST

Sworn to before me this
29th day of November, 2011
